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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/027,126	FLUETER, HERIBERT	
	<b>Examiner</b>	<b>Art Unit</b>	
	Prenell P. Jones	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/13/07.
2. ☒ The allowed claim(s) is/are 2-8, 10-15, 17-23 and 25-31.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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***Reason for Allowance***

1. Claims 2-8, 10-15, 17-23 and 25-31 are allowed over prior art.
2. The following is an examiner's statement of reasons for allowance: Applicant has canceled previously rejected claims 1 and 16. However, Applicant has amended previously objected to claims to read as independent claims, which now include the limitations of previously rejected claims and intervening claims.

The prior art fails to teach or suggest with respect to claim 2, making decision regarding a path takes into account the capacity of the path currently used for transmission of information and required future capacity, with respect to claim 4 and 10, initiating release of at least one path if a capacity a path currently used for transmission of information is below a release threshold, wherein the capacity of the path currently used for transmission corresponds to a number of currently used ATM-channels in at least one path, with respect to claims 6, 21 setup/release threshold values are variable values that are set up by the ATM network, with respect to claims 7, 13, 22, 29, initiating release of at least one path if a capacity a path currently used for transmission of information is below a release threshold, and an ATM network is AAL2 network, with respect to claim 11, 19, 26, initiating release of at least one path if a capacity a path currently used for transmission of information is below a release threshold, and a setup/release threshold corresponds to at least one minimum and maximum of a distance between currently used network resources and all available path resources, with respect to claim 15, 31, a path release for at least one path in the network is initiated if the capacity of the path currently used for transmission of information is below a threshold during at least a preset period of time or if the capacity of the path currently used for transmission is on average below a threshold during at least a preset period of time, with respect to 17, initiating release of at least one path if a capacity a path currently used for transmission of information is below a release threshold,

capacity of the path currently used for transmission include capacity necessary for at least one of the new call and data transmission, with respect to claim 23, initiating release of at least one path if a capacity a path currently used for transmission of information is below a release threshold, wherein a threshold for setup of at least one path is bigger than a threshold for release of at least one path.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

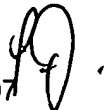
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

February 26, 2007



CHI PHAM  
SUPERVISORY PATENT EXAMINER

3/2/07